



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

JUN 19 2017

REPLY TO THE ATTENTION OF:

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Vince Serafini, Sales and Production Manager
Jamie Hackler, Operations Manager
Prairie Materials
7601 West 79th Street
Bridgeview, Illinois 60455

Re: Notice of Violation
Prairie Materials
1151 Penny Road
East Dundee, Illinois 60118

Dear Mr. Serafini and Ms. Hackler:

The U.S. Environmental Protection Agency is issuing the enclosed Notice of Violation (NOV) to Prairie Materials (you) under Section 113(a)(1) of the Clean Air Act, 42 U.S.C. § 7413(a)(1). We find that you violated the Illinois State Implementation Plan at the East Dundee, Illinois facility you previously owned.

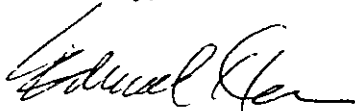
Section 113 of the Clean Air Act gives us several enforcement options. These options include issuing an administrative compliance order, issuing an administrative penalty order and bringing a judicial civil or criminal action.

We are offering you an opportunity to confer with us about the violations alleged in the NOV. The conference will give you an opportunity to present information on the specific findings of violation, any efforts you have taken to comply and the steps you will take to prevent future violations. In addition, in order to make the conference more productive, we encourage you to submit to us information responsive to the NOV prior to the conference date.

Please plan for your facility's technical and management personnel to attend the conference to discuss compliance measures and commitments. You may have an attorney represent you at this conference.

The EPA contact in this matter is Kevin Vuilleumier. You may call him at (312) 886-6188 to request a conference. You should make the request within 10 calendar days following receipt of this letter. We should hold any conference within 30 calendar days following receipt of this letter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Edward Nam', written in a cursive style.

Edward Nam
Director
Air and Radiation Division

Enclosures

cc: Yasmine Keppner-Bauman, Acting Manager, Compliance Section, Bureau of Air, IEPA

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

IN THE MATTER OF:

Prairie Materials
East Dundee, Illinois

Proceedings Pursuant to
Section 113(a)(1) of the
Clean Air Act, 42 U.S.C.
§ 7413(a)(1)

NOTICE OF VIOLATION

EPA-5-17-IL-06

NOTICE OF VIOLATION

The U.S. Environmental Protection Agency (EPA) is issuing this Notice of Violation under Section 113(a)(1) of the Clean Air Act (CAA), 42 U.S.C. § 7413(a)(1). EPA finds that Prairie Materials violated the Illinois State Implementation Plan (SIP), as follows:

Statutory and Regulatory Background

1. The Administrator of EPA approved Illinois Pollution Control Board (IPCB) Rule 203(f) as part of the Illinois State Implementation Plan (IL SIP) on February 21, 1980, as amended May 26, 1982. 45 Fed. Reg. 11493, as amended 47 Fed. Reg. 17816.
2. IPCB Rule 203(f) is codified at Illinois Administrative Code (IAC) § 212.301.
3. IPCB Rule 203(f)(1) states no person shall cause or allow the emissions of fugitive particulate matter from any process, including any material handling or storage activity, that is visible by an observer looking generally toward the zenith at a point beyond the property line of the emission source.

Prairie Materials' Facility

4. Prairie Materials was the owner and operator of a clean construction debris fill operation at 1151 Penny Road, East Dundee, Illinois 60118 (the facility) on November 10, 2016 and until sale of the property in January 2017.
5. The facility received clean construction debris (including cement, asphalt, and dirt) from various construction operations via truck trailer on November 10, 2016.
6. The facility monitored the debris in the truck trailer to ensure it is free of volatile organic chemicals on November 10, 2016.
7. The truck trailers used the facility roadways to transport the clean construction debris to the appropriate dump location within the facility's property on November 10, 2016.

8. Clean cement and asphalt were transported via truck trailer and dumped near a separate company (A-Lamp, American Materials Services) for processing (separation, crushing, and blending) for resale. Some of the processed material was sold back to Prairie Materials for sale to outside parties.
9. Dirt was transported via truck trailer to the dumping location where the facility used the dirt to backfill an abandoned quarry/mine.
10. The facility's onsite roadways were unpaved.
11. Emissions from the facility's roadways were subject to the fugitive particulate matter rule in the Illinois SIP at IAC § 212.301.
12. The facility had a watering truck onsite which it used to periodically water the unpaved roadways to reduce dust emissions from the unpaved roadways utilized by the truck trailers.
13. The facility had a street sweeper stationed at its aggregate plant on Rock Road which it used to periodically clean the paved Rock Road of dust deposited from truck trailers leaving Prairie Materials' property.
14. The facility relied on reduced speed limits to minimize dust emissions from the unpaved roadways utilized by the truck trailers.
15. The facility did not have a fugitive particulate matter control plan in place on November 10, 2016.
16. The facility did not track the periods when watering was performed at the facility.

Violations

17. EPA observed fugitive particulate matter from the facility's unpaved roadways crossing the property line of the facility on several occasions during an inspection conducted November 10, 2016.
18. The observed fugitive particulate matter arose when truck trailers transported the clean construction debris to the various dump locations even when they appeared to be traveling at and complying with reduced speed limits.
19. Fugitive particulate matter crossing a facility's property line is a violation of IAC § 212.301 of the IL SIP and the CAA.

Environmental Impact of Violations

20. These violations have caused or can cause excess emissions of particulate matter.

21. Particulate matter, especially fine particulate matter, contains microscopic solids or liquid droplets which can get deep into the lungs and cause serious health problems. Particulate matter exposure can contribute to:

- irritation of the airways, coughing, and difficulty breathing;
- decreased lung function;
- aggravated asthma;
- chronic bronchitis;
- irregular heartbeat; and
- nonfatal heart attacks;

Particulate matter can also be abrasive and cause damage to public and personal property with ongoing exposure.

Date

6/19/17



Edward Nam

Director

Air and Radiation Division

U.S. EPA Small Business Resources Information Sheet

The United States Environmental Protection Agency provides an array of resources, including workshops, training sessions, hotlines, websites and guides, to help small businesses understand and comply with federal and state environmental laws. In addition to helping small businesses understand their environmental obligations and improve compliance, these resources will also help such businesses find cost-effective ways to comply through pollution prevention techniques and innovative technologies.

EPA's Small Business Websites

Small Business Environmental Homepage - www.smallbiz-enviroweb.org

Small Business Gateway - www.epa.gov/smallbusiness

EPA's Small Business Ombudsman - www.epa.gov/sbo or 1-800-368-5888

EPA's Compliance Assistance Homepage

[www.epa.gov/compliance/assistance/
business.html](http://www.epa.gov/compliance/assistance/business.html)

This page is a gateway to industry and statute-specific environmental resources, from extensive web-based information to hotlines and compliance assistance specialists.

EPA's Compliance Assistance Centers

www.assistancecenters.net

EPA's Compliance Assistance Centers provide information targeted to industries with many small businesses. They were developed in partnership with industry, universities and other federal and state agencies.

Agriculture

www.epa.gov/agriculture/

Automotive Recycling

www.ecarcenter.org

Automotive Service and Repair

www.ccar-greenlink.org or 1-888-GRN-LINK

Chemical Manufacturing

www.chemalliance.org

Construction

www.cicacenter.org or 1-734-995-4911

Education

www.campuserc.org

Food Processing

www.fpeac.org

Healthcare

www.hercenter.org

Local Government

www.lgean.org

Metal Finishing

www.nmfrc.org

Paints and Coatings

www.paintcenter.org

Printed Wiring Board Manufacturing

www.pwbrc.org

Printing

www.pneac.org

Ports

www.portcompliance.org

U.S. Border Compliance and Import/Export Issues

www.bordercenter.org

Hotlines, Helplines and Clearinghouses

www.epa.gov/epahome/hotline.htm

EPA sponsors many free hotlines and clearinghouses that provide convenient assistance regarding environmental requirements. Some examples are:

Antimicrobial Information Hotline

info-antimicrobial@epa.gov or
1-703-308-6411

Clean Air Technology Center (CATC) Info-line

www.epa.gov/ttn/catc or 1-919-541-0800

Emergency Planning and Community Right-To-Know Act

[www.epa.gov/superfund/resources/
infocenter/epcra.htm](http://www.epa.gov/superfund/resources/infocenter/epcra.htm) or 1-800-424-9346

EPA Imported Vehicles and Engines Public Helpline

www.epa.gov/otaq/imports or
734-214-4100

National Pesticide Information Center

www.npic.orst.edu/ or 1-800-858-7378

National Response Center Hotline - to report oil and hazardous substance spills

www.nrc.uscg.mil or 1-800-424-8802

Pollution Prevention Information Clearinghouse (PPIC)

www.epa.gov/opptintr/ppic or
1-202-566-0799

Safe Drinking Water Hotline

[www.epa.gov/safewater/hotline/index.
html](http://www.epa.gov/safewater/hotline/index.html) or 1-800-426-4791

Stratospheric Ozone Protection Hotline

www.epa.gov/ozone or 1-800-296-1996

U. S. EPA Small Business Resources

Toxic Substances Control Act (TSCA) Hotline

tsc hotline@epa.gov or 1-202-554-1404

Wetlands Information Helpline

www.epa.gov/owow/wetlands/wetline.html or 1-800-832-7828

State and Tribal Web-Based Resources

State Resource Locators

www.envcap.org/statetools

The Locators provide state-specific contacts, regulations and resources covering the major environmental laws.

State Small Business Environmental Assistance Programs (SBEAPs)

www.smallbiz-enviroweb.org

State SBEAPs help small businesses and assistance providers understand environmental requirements and sustainable business practices through workshops, trainings and site visits. The website is a central point for sharing resources between EPA and states.

EPA's Tribal Compliance Assistance Center

www.epa.gov/tribalcompliance/index.html

The Center provides material to Tribes on environmental stewardship and regulations that might apply to tribal government operations.

EPA's Tribal Portal

www.epa.gov/tribalportal/

The Portal helps users locate tribal-related information within EPA and other federal agencies.

EPA Compliance Incentives

EPA provides incentives for environmental compliance. By participating in compliance assistance programs or voluntarily disclosing and promptly correcting violations before an enforcement action has been initiated, businesses may be eligible for penalty waivers or reductions. EPA has two such policies that may apply to small businesses:

EPA's Small Business Compliance Policy

www.epa.gov/compliance/incentives/smallbusiness/index.html

This Policy offers small businesses special incentives to come into compliance voluntarily.

EPA's Audit Policy

www.epa.gov/compliance/incentives/auditing/auditpolicy.html

The Policy provides incentives to all businesses that voluntarily discover, promptly disclose and expeditiously correct their noncompliance.

Commenting on Federal Enforcement Actions and Compliance Activities

The Small Business Regulatory Enforcement Fairness Act (SBREFA) established a SBREFA Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. If you believe that you fall within the Small Business Administration's definition of a small business (based on your North American Industry Classification System designation, number of employees or annual receipts, as defined at 13 C.F.R. 121.201; in most cases, this means a business with 500 or fewer employees), and wish to comment on federal enforcement and compliance activities, call the SBREFA Ombudsman's toll-free number at 1-888-REG-FAIR (1-888-734-3247), or go to their website at www.sba.gov/ombudsman.

Every small business that is the subject of an enforcement or compliance action is entitled to comment on the Agency's actions without fear of retaliation. EPA employees are prohibited from using enforcement or any other means of retaliation against any member of the regulated community in response to comments made under SBREFA.

Your Duty to Comply

If you receive compliance assistance or submit a comment to the SBREFA Ombudsman or Regional Fairness Boards, you still have the duty to comply with the law, including providing timely responses to EPA information requests, administrative or civil complaints, other enforcement actions or communications. The assistance information and comment processes do not give you any new rights or defenses in any enforcement action. These processes also do not affect EPA's obligation to protect public health or the environment under any of the environmental statutes it enforces, including the right to take emergency remedial or emergency response actions when appropriate. Those decisions will be based on the facts in each situation. The SBREFA Ombudsman and Fairness Boards do not participate in resolving EPA's enforcement actions. Also, remember that to preserve your rights, you need to comply with all rules governing the enforcement process.

EPA is disseminating this information to you without making a determination that your business or organization is a small business as defined by Section 222 of the Small Business Regulatory Enforcement Fairness Act or related provisions.

CERTIFICATE OF MAILING

I certify that I sent a Notice of Violation, No. EPA-5-17-IL-06, by Certified Mail, Return

Receipt Requested, to:

Vince Serafini, Sales and Production
Manager
Prairie Materials
7601 West 79th Street
Bridgeview, Illinois 60455

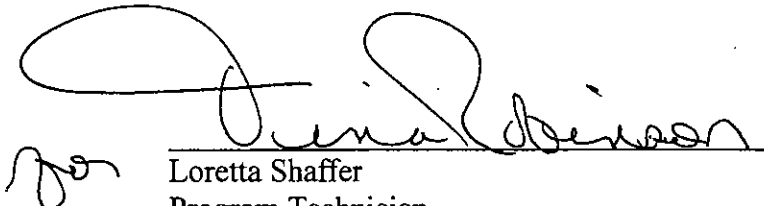
Jamie Hackler, Operations Manager
Prairie Materials
7601 West 79th Street
Bridgeview, Illinois 60455

Article # 7009 1680 0000 7647 0247

I also certify that I sent copies of the Notice of Violation by e-mail to:

Yasmine Keppner-Bauman, Acting Manager
Compliance Section, Bureau of Air, IEPA
Yasmine.Keppner-Bauman@Illinois.gov

On the 19th day of June 2017.


for Loretta Shaffer
Program Technician
AECAB, PAS

CERTIFIED MAIL RECEIPT NUMBER: 7009 1680 0000 7647 0230